



State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

POST OFFICE BOX 12267
COLUMBIA 29211

March 12, 2003

The Honorable David H. Wilkins
Speaker of the House of Representatives
State House
Post Office Box 11867
Columbia, South Carolina 29211

Mr. Speaker and Members of the House:

I am hereby returning without my approval H. 3430, R-13, a Joint Resolution:

TO PROVIDE THAT SCHOOL DAYS MISSED ON DECEMBER 4, 5, AND 6, 2002, AND JANUARY 17, 23, AND 24, 2003, BY THE STUDENTS OF CHEROKEE COUNTY SCHOOL DISTRICT 1 WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW, ICE, OR INCLEMENT WEATHER CONDITIONS ARE EXEMPTED FROM THE MAKE-UP REQUIREMENT OF THE DEFINED MINIMUM PLAN THAT FULL SCHOOL DAYS MISSED DUE TO EXTREME WEATHER OR OTHER CIRCUMSTANCES BE MADE UP.

This veto is based upon my belief that H. 3430, R-13 is unconstitutional.

Though well-intentioned as it might be, H. 3430, R-13 is an example of specific legislation that has been enacted to address circumstances that could have been addressed by general legislation. The state constitution clearly prohibits the enactment of special legislation where a "general law can be made applicable." S.C. Const. Art. III, Section 34 (IX). The General Assembly should establish a general statute that sets forth the general types of events or occasions when missed school days should be exempted from the make-up requirement. The recurring nature of legislation like H. 3430, R-13 demonstrates the policy basis for Article III, Section 34's directive that special legislation be avoided in all cases where general legislation can be enacted.

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In summary, I believe the specific nature of H. 3430, R-13 renders this Joint Resolution unconstitutional. For this reason, I am returning H. 3430, R-13 to you without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Sanford", with a long, sweeping horizontal line extending to the right.

Mark Sanford
Governor